

FILED

NOV 03 1997

SECRETARY, BOARD OF
OIL, GAS & MININGBEFORE THE BOARD OF OIL, GAS AND MINING
DEPARTMENT OF NATURAL RESOURCES
STATE OF UTAH

---oo0oo---

IN THE MATTER OF THE	:	JOINT MOTION AND
PETITION FILED BY THE	:	STIPULATION TO SECOND
DIVISION OF OIL, GAS AND MINING	:	AMENDMENT OF THE FINDINGS
FOR AN ORDER REQUIRING	:	OF FACT, CONCLUSIONS OF LAW
IMMEDIATE RECLAMATION OF THE	:	AND ORDER
GROUSE CREEK QUARRY FROM	:	
UTAH BUILDING STONE SUPPLY,	:	DOCKET NO. 97-016
BOX ELDER COUNTY, UTAH.	:	CAUSE NO. M/003/031

---oo0oo---

In the above-captioned matter, the Board of Oil, Gas & Mining (the "Board") entered that certain "FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER TO RECLAIM OR TO POST AN INTERIM SURETY" ("Board Order") on September 26, 1997. On October 14, 1997, The Division received a request for an extension of the time period for compliance by William and Preston Bown ("the Bowns") with the Board Order. The Division ("the Division") found the reason for this request, the death of an immediate family member, compelling and supported the Bowns' request. On October 15, 1997, the Board granted this amendment to the Board Order ("First Amendment").

The Division has since received a request for an extension of time from the Bowns. The Division has verified that the Barnes Banking Company is processing an application by the Bowns for a letter of credit as surety for the Grouse Creek Quarry. (EXHIBIT A). The Bowns have provided a letter to the Division and the Board explaining their need for an extension. (EXHIBIT B). Thus, the Division is willing to support the request from the Bowns for an extension of time. William Bown has signed the stipulation in both his individual capacity and as a partner with Preston Bown in Utah Building Stone Supply.

STIPULATION

The DIVISION and the Bowns HEREBY STIPULATE AND AGREE to amend the "FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER TO RECLAIM OR TO POST AN INTERIM SURETY", dated September 26, 1997 and the First Amendment as follows:

1. The time period for compliance is amended as follows: By no later than 4 p.m. in Salt Lake City on Wednesday, November 12, 1997, William Bown and Preston Bown shall, to the satisfaction of the Division, post an interim reclamation surety bond (e.g., cash deposit, certificate of deposit, corporate surety bond) in the exact amount of \$12,500.
2. The parties agree that the September 26, 1997 Board Order is not altered in any way not explicitly expressed in the Stipulation or the First Amendment.
3. For all purposes, a party's signature in a faxed copy of this stipulation shall be deemed the equivalent of a signed original.

AGREED to this 31ST day of October, 1997.

DIVISION OF OIL, GAS, AND MINING

by Daniel G. Moquin
Daniel G. Moquin
Assistant Attorney General
for Division of Oil, Gas and Mining

UTAH BUILDING STONE SUPPLY

by William L. Bown
William Bown as
partner with Preston Bown and in his individual capacity

MOTION

The DIVISION and the Bowns request that the Board issue an order consistent with the Stipulation.

ORDER

Having read the JOINT MOTION AND STIPULATION TO SECOND AMENDMENT OF THE FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER submitted by the Division of Oil, Gas and Mining ("Division"), and William Bown in the above-referenced matter, for good cause, the Utah Board of Oil, Gas and Mining hereby grants the Motion based on the foregoing Stipulation and adopts the Stipulation as a Board Order.

For all purposes, the Chairman's signature in a faxed copy of this Order shall be deemed the equivalent of a signed original.

SO ORDERED this 3rd day of November, 1997.

STATE OF UTAH
BOARD OF OIL, GAS & MINING



Dave D. Lauriski, Chairman

CERTIFICATE OF SERVICE

I hereby certify that I caused a true and correct copy of the foregoing JOINT MOTION AND STIPULATION TO SECOND AMENDMENT OF THE FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER for Docket No. 97-016, Cause No. M/003/031 to be mailed by first-class mail, postage prepaid, this 4th day of November, 1997, to the following:

William Bown
Utah Building Stone Supply
842 West 400 North
West Bountiful, Utah 84087

Preston Bown
Utah Building Stone Supply
842 West 400 North
West Bountiful, Utah 84087

Mike Ford
Bureau of Land Management
Salt Lake District Office
2370 South 2300 West
Salt Lake City, Utah 84119

John Blake
School and Institutional
Trust Lands Administration
675 East 500 South, Suite 500
Salt Lake City, Utah 84102

Sent by Hand Delivery to:

Patrick J. O'Hara
Assistant Attorney General
1594 West North Temple, Suite 300
P.O. Box 140855
Salt Lake City, UT 84114-0855

Daniel G. Moquin
Assistant Attorney General
1594 West North Temple, Suite 300
P.O. Box 140855
Salt Lake City, UT 84114-0855

Courtesy Copy to:

Lynn Kunzler, Senior Reclamation Specialist
Division of Oil, Gas & Mining



A

**Barnes Banking Co.**

Since 1891

October 29, 1997

Utah Division of Oil, Gas, and Mining
Attn: Lowell Braxton
1594 West North Temple, Suite 1210
Box 145801
Salt Lake City, Utah 84114-5801

*Via Facsimile Transmission
to (801) 359-3940*

RE: Utah Building Stone Supply/Bill Bown

Mr. Braxton;

Pursuant to a conversation earlier today with Wayne Hedberg, this letter is to confirm to you that Barnes Banking Company has received a request from Bill Bown of Utah Building Stone Supply to provide an irrevocable standby letter of credit listing the Utah Division of Oil, Gas and Mining as beneficiary. As I explained to you, the request was received Monday (10/27/97).

Due what is currently on my desk and because we are reliant on an appraiser and a title company to provide additional information, we will not be able to obtain final approval for approximately ten to fourteen days. If you have any questions, or would like to speak to me regarding this transaction, please feel free to contact me at 296-1010.

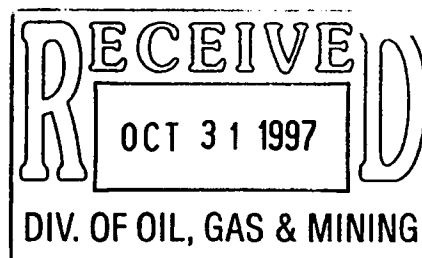
Sincerely,

Reed W. Dixon
Loan Officer,
Barnes Banking Company

/RWD

A history of strength, a future of security

B



William L Bown
Utah Building Stone Supply
842 West 400 North
West Bountiful, Utah 84087
Tele/Fax 801-295-0601

Mr. Thomas Faddies, acting Board Chairman
Department of Natural Resources
Division of Oil, Gas and Mining
1594 West North Temple Suite 1210
Salt Lake City, Utah 84114-5801

Dear Mr. Faddies,

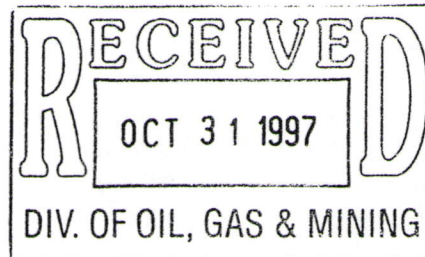
We find it necessary to petition the board for emergency relief from the established deadline in the Board's outstanding order for our procurement of a satisfactory surety for the Grouse Creek Quarry related reclamation.

We have searched tirelessly for an agent willing to write a typical reclamation surety bond, but to this point have come up short. During the course of our efforts in this regard we opted to approach our bank to explore a possible Letter of Credit to be used for the Bond. As of this writing things are progressing well, but we have been informed by the bank officer that it will require several days to finalize all related documents etc. Hence, our request at this time. Please consider our position and render in our favor.

Sincerely,

A handwritten signature in cursive script that reads "William L Bown". The signature is fluid and somewhat stylized, with a large loop at the end.

William L Bown



William L Bown
Utah Building Stone Supply
842 West 400 North
West Bountiful, Utah 84087
Tele/Fax 801-295-0601

Mr. Thomas Faddies, acting Board Chairman
Department of Natural Resources
Division of Oil, Gas and Mining
1594 West North Temple Suite 1210
Salt Lake City, Utah 84114-5801

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William L Bown

						P.01
<u>TRANSACTION REPORT</u>						
						OCT-30-97 THU 04:16 PM
SEND(M)						
DATE	START	RECEIVER	TX TIME	PAGES	TYPE	NOTE
OCT-30	04:15 PM	2950601	48"	1	SEND	(M) OK
						M# DP
						150
TOTAL						48S PAGES: 1

M/003/031

**Barnes Banking Co.**

Since 1891

October 29, 1997

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Salt Lake City, Utah 84114-5801

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Sincerely,

Reed W. Dixon
Loan Officer,
Barnes Banking Company

/RWD

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TRANSACTION REPORT

OCT-31-97 FRI 01:21 PM

P.01

SEND (M)

DATE	START	RECEIVER	TX TIME	PAGES	TYPE	NOTE	M#	DP
OCT-31	01:20 PM	2950601	48"	1	SEND	(M) OK	165	
TOTAL						48S PAGES:	1	

4th Fax - Replaces #3
Date changed back to October

m/003/031

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Assistant Attorney General
for Division of Oil, Gas and Mining

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